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July 27th, 1862.

GENERAL ORDERS, }
NO. 87.

I. At a General Court Martial convened at the camp of Maj. Genl. Huger's Division, by General Orders No. 72, of June 23rd, 1862, Head Quarters Department Northern Va., were arraigned and tried, the following named persons: (The specifications being lengthy and minute some of them are omitted in this order):

1st. Private Russel Settle of Co. "I," 49th Va. Regt.

Charge—Desertion.

FINDING.

Of the specification guilty; of the charge guilty.

SENTENCE.

"And the court do therefore sentence the said Russel Settle, private of Co. "G," (formerly Co. "I") of the 49th Regt. Va. Vols., to forfeit to the Confederate States three months pay, and to be kept at hard labor with a ball and chain for one month."

2nd. Private Jones Wharton, Co. "I," 49th Regt. Va. Vols.

Charge 1st.—Desertion.

Charge 2nd.—Persuading others to desert.

FINDING.

Of the specification of the 1st. charge guilty; of the first charge guilty; of the specification of the 2nd. charge not guilty; of the charge not guilty.

SENTENCE.

"And the court do therefore sentence the said Jones Wharton, private Co. "G" (formerly "I") of the 49th Regt. Va. Vols. to have half of his head shaved in the presence of his Regt. to forfeit to the Confederate States three months pay and be kept at hard labor with ball and chain for two months."

3rd Private Green Grigsby of Co. "I" 49th Regt. Va. Vols.

Charge—Desertion.

FINDING.

Of the specification guilty; of the charge guilty.

SENTENCE.

"And the court do therefore sentence private Green Grigsby of Co. "G" (formerly Co. "I") 49th Regt. Va. Vols. to have half his head shaved in the presence of his Regiment, to forfeit to the Confederate States three months pay, and be kept at hard labor with ball and chain for two months."

4th. Private Judson Settle, Co. "I" 49th Regt. Va. Vols.

Charge—Desertion.

FINDING.

Of the specification not guilty; of the charge not guilty.

"And the court do therefore acquit the prisoner private Judson Settle of the offence with which he was charged."

5th. Private Wm. Rutherford Co. "A" 49th Regt. Va. Vols.

Charge—Desertion.

FINDING.

Of the specification guilty; of the charge guilty.

SENTENCE.

"And the court do therefore sentence the said William Rutherford of Co. "E" (formerly Co. "A") 49th Regt. Va. Vols. to forfeit to the Confederate States one month's pay, and to be kept at hard labor with ball and chain for one month."

6th. 1st. Lieut. S. J. Davis, Co. "E" 14th Regt Va. Vols.

FINDING.

Of the specification guilty; of the charge guilty.

SENTENCE.

"And the court do therefore sentence the said 1st. Lieutenant S. J. Davis, Co. "E," 14th Regt. Va. Vols., to be cashiered."

7th. 1st. Lieut. Richard P. Smith, Co. "I," 14th Regt. Va. Vols.

Charge—Violation of the 52d. Article of War.

FINDING.

Of the specification not guilty; of the charge not guilty.

And the court do therefore acquit the said 1st. Lieut. Richard P. Smith, of Company "I," 14th. Regt. Va. Vols., of the offence charged against him.

8th. Private Amos Sumner, Co. "B," 7th. Regt. Va. Vols.

Charge 1st.—Desertion.

Charge 2nd.—Cowardice.

FINDING.

Of the 1st. specification of the 1st. charge guilty; of the 2nd. specification of the 1st. charge guilty, with the exception of the words "on a road west of the said city of Richmond by a cavalry picket."

Of the 1st. charge guilty; of the specification of the 2nd. charge guilty; of the second charge not guilty.

SENTENCE.

And the court do therefore sentence the said private Amos Sumner, of Co. "D," 7th Regt. Va. Vols., to be marked on the left hip with the letter "D," one inch in length in indelible ink; to have half of his head shaved in the presence of his Regiment, to forfeit to the Confederate States three months pay, and to be confined at hard labor with ball and chain for six months.

9th. Private Daniel Newcomer, Co. "H," 49th. Regt. Va. Vols.

Charge—Desertion.

FINDING.

Of the specification not guilty; of the charge not guilty.

And the court do therefore acquit the said private Daniel Newcomer of the offence charged against him.

10th. Private Chas. Weeks. Co. "H," 49th. Regt. Va. Vols.

Charge—Desertion.

FINDING.

Of the 1st. specification guilty; of the 2nd. specification not guilty; of the charge, not guilty of desertion, but guilty of absence without leave.

SENTENCE.

And the court do therefore sentence the said private Chas. Weeks of Co. "C," (formerly H.) of the 49th. Regt. Va. Vols., to forfeit to the Confederate States all pay and allowances due him to this date, to have his head shaved in the presence of his Regiment, and to be drummed out of the service.

11th. Private John C. Reeves, Co. "A," 11th Ala. Regt.

Charge 1st. Disobedience of Orders.

Charge 2nd. Conduct prejudicial to good order and military discipline.

FINDING.

Of the specification of 1st. charge guilty; of the 1st. charge guilty; of the 1st. specification of 2nd. charge guilty; of the 2nd. specification of 2nd. charge guilty; of the 3rd. specification of 2nd. charge guilty; of the 4th. specification of 2nd. charge guilty, except the words "drawing his knife at the same time in a threatening manner, continuing he said that he could get out of the damned company, and intended to do it, and the damned officers and company might go to hell for him," or words to that effect.

Of the 5th. specification of the 2nd. charge not guilty; of the second charge guilty.

SENTENCE.

And the court do therefore sentence the said Private John C. Reeves of Co. "A," 14th. Regt. Ala. Vols., to confinement at hard labor with a ball and chain for three months.

12th. Private Martin Hogan, Co. "E," 1st. N. C. Regt.

Charge—Desertion with intent to join the enemy.

Specification—In this that he, the said Martin Hogan, private of Co. "E," 1st. Regt. N. C. troops, having been regularly posted as a picket near the Chickahominy Swamp, on or about the morning of Tuesday the tenth day of June, 1862, did desert his post and the service of the Confederate States, leaving there his arms and accoutrements, and advancing in the direction of the enemy, was arrested and brought back to his Regiment. All this near Chickahominy Swamp, Va., on or about the 10th day of June, A. D. 1862.

FINDING.

Of the specification guilty; of the charge guilty.

SENTENCE.

And the court do therefore, (two-thirds of the members concurring,) sentence the said private Martin Hogan, of Co. "E," 1st. Regt. of N. C. troops, to be shot to death with musketry.

13th. Private Henry Burns, Co. "B," 41st. Regt. Va. Vols.
Charge—Desertion.

Specification—In this that the said Henry Burns, a private in Co. "B," 41st. Regt. Va. Vols., being a soldier who has been duly enlisted in the service of the Confederate States, did on or about the 10th. day of May, 1862, at or near the city of Petersburg, Virginia, desert his Co., and the service of the Confederate States, and was arrested at or near Stony Creek Depot, while attempting to make his escape.

FINDING.

Of the specification guilty: of the charge guilty.

SENTENCE.

And the court do therefore sentence the said private Henry Burns of Co. "B," 41st. Regt. of Va. Vols. (two-thirds of the members of the court concurring,) to be shot to death with musketry.

II. The proceedings, findings and sentences in the cases of Privates Judson Settle, Co. "G," 49th Regt. Virginia Vols., Amos Sumner, Co. "D," 7th Virginia Volunteers, Daniel Newcomer Company "C," 49th Virginia Volunteers, Charles Weeks 49th Virginia Volunteers, (except so much as requires shaving the head and drumming out of service in Week's case,) John C. Reeves Company "A," 11th Regt. Alabama Volunteers, Martin Hogan Company "E," 1st. Regiment North Carolina troops, Henry C. Burns Company "B," 41st Regiment Virginia Volunteers, and First Lieutenant S. G. Davis Company "E," 14th Regiment Virginia Volunteers, are approved, and will be duly carried into execution. Privates Judson Settle and Daniel Newcomer to be released and returned to duty, and First Lieut. S. G. Davis ceasing from this date to be an officer in the Confederate States Army. The sentences of privates Martin Hogan Company "E," 1st. Regiment North Carolina troops and Henry Burns Co. "B," 41st Virginia Volunteers, will be executed Tuesday August 5th 1862, at 10 o'clock A. M. in the presence of their brigade under instructions from their Division Commanders.

In the case of First Lt. Richard T. Smith Company "I," 14th Virginia Regiment, the sentence is disapproved, the evidence in the opinion of the Commanding General not acquitting Lieutenant Smith of the grave military offence with which he is charged, he is however released from arrest, and will return to duty. In the cases of Privates Russel Settle Company "G," 49th Virginia Regiment, Jones Wharton Company "G," 49th Virginia Volunteers, Green Grigsby Company "G," 49th Virginia Volunteers, William Rutherford Company "E," 49th Virginia Volunteers, the proceedings and findings are approved, the sentences (which will nevertheless be carried out) are not approved, being considered inadequate to the offences charged. The Commanding General deems it proper to call attention to the prejudicial effects upon the service of mistaken leniency. It is better to allow delinquents to escape punishment than to treat lightly the grave military offences.

III. The Court Martial of which Lt. Col. F. L. Taylor 12th Va. Vols. is President, is dissolved.

By Command of General Lee.

R. H. CHILTON,

A. A. General.

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